

EXHIBIT C



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March 26, 2024

Daniel G. Bird
Eric J. Maier
Sven E. Henningson
Tiberius T. Davis
Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.
1615 M Street NW
Suite 400
Washington, DC 20036

Re: *In re Google Digital Advertising Antitrust Litigation*,
No. 1:21-md-03010 (PKC)

Dear Daniel, Eric, Trip, and Tiberius:

I am writing in regards to our meet and confers related to Google's January 27, 2023 Requests for Production (the "Requests") and Google's January 27, 2023 Interrogatories (the "Interrogatories") to memorialize the agreements reached over the course of our negotiations and to raise several outstanding questions.

Agreed-Upon Search Protocol

For convenience, the agreed-upon search protocol for searching electronically stored information ("ESI") is included herein as **Appendix A**. Subject to the few remaining points and issues outlined below, we understand Daily Mail's March 16, 2024 production (and any future productions) to be based on the search protocol reflected in Appendix A.

- **Relevant Time Period:** Daily Mail rejected Google's proposal that it run certain identified search terms over broader time periods. Google reserves all rights as to that proposal and may request that specific terms be run over broader time periods based on further discovery.
- **Outstanding Custodial Productions:** We understand that as of March 16, Daily Mail's production is substantially complete only as to Daily Mail's original 11 custodians and go-gets. See Mar. 16 Letter Response to Motion to Compel (ECF No. 721) at 5 n.2 ("Daily Mail agreed that it would substantially complete document productions . . . over Daily Mail's initial 11 proposed custodians by Mid-March."); Jan. 19, 2024 C. Boisvert Letter to D. Bird (explaining that on our January 16 meet-and-confer, Daily Mail agreed to "substantially complete its production of . . . custodial documents, as well as the agreed-upon go-get documents, by mid-March 2024"). Given the quickly approaching close of fact discovery, we request that Daily Mail substantially complete production as to the remaining 4 document custodians (Noah Szubski, Carly Steven, Martin Clarke, and Paul Zwillenberg) no later than April 12. Daily Mail should be well-positioned to do

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so: Daily Mail agreed to search the custodial files of Noah Szubski and Carly Steven nearly two months ago, see Jan. 30, 2024 S. Henningson Letter to C. Boisvert at 7, and Daily Mail argued that “[t]he likelihood of the existence of a significant quantity of non-duplicative materials responsive to the search terms in the files of [Messrs. Clarke and Zwillenberg] is low,” meaning that Daily Mail’s burden in producing these materials “should be modest.” Mar. 31, 2024 Order (ECF No. 729) at 2. Please confirm that Daily Mail will do so.

- Impact of Judge Castel’s March 1 Opinion and Order: As we raised by email correspondence on March 19, Daily Mail represented in its March 16 production cover letter that “Daily Mail is not producing documents determined to be relevant only to its claims regarding Google search that were dismissed by Judge Castel.” Mar. 16, 2024 J. Thorne Letter to C. Reiser at 1. We require clarity on this assertion. Specifically, as set forth in our March 19 correspondence:
 - Please confirm that Daily Mail is no longer relying on the allegations set forth in paragraphs 77-84, 92, 201-225, and 234 of its December 2, 2022 Amended Complaint.
 - Please identify any other allegations on which Daily Mail is no longer relying in support of its claims.
 - Please confirm that Daily Mail is no longer claiming damages arising from Google’s alleged “steer[ing] user traffic away from Daily Mail’s web properties.” Daily Mail Second Supplemental Response to Interrogatory No. 29.
 - Please explain how Daily Mail determined whether documents were “relevant only to its claims regarding Google search.” In particular, please identify whether Daily Mail declined to (1) run any agreed-upon search terms; (2) search the files of any agreed-upon custodians; and/or (3) treat any agreed-upon Requests as go-gets.

Interrogatories

Please confirm whether Daily Mail intends to further supplement any of its Interrogatory Responses pursuant to Federal Rule of Civil Procedure 33(d) with reference to documents in Daily Mail’s March 16 production. If so, please complete such supplementation by April 12. Google reserves the right to seek supplemental Interrogatory responses based on further discovery.

Data Productions

We are continuing to review Daily Mail’s data productions and, as Daily Mail previously invited, reserve the right to “identify specific documents and fields for which [Google] requires additional detail” or otherwise seek clarity on the data Daily Mail has produced to date. See Mar. 1, 2024 S. Henningson Letter to C. Boisvert at 8.

* * * * *

We look forward to receiving Daily Mail’s responses to the issues above—including whether Daily Mail’s understanding of the issues discussed is different than outlined above—as

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soon as possible. We request that Daily Mail in all events reply no later than April 5, 2024. We are of course available to schedule another call in the interim if that would be helpful.

Yours,

/s/ Caroline Boisvert

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Appendix A
Agreed-Upon Search Protocol

Custodians

1. Hannah Buitekant
2. Rich Caccappolo
3. Feifan Chen
4. Jacqui Feng
5. Jeremy Gan
6. Adam Leslie
7. Jesus Mendez
8. Donna Ogier
9. Tom Pickworth
10. Henry Thomas
11. Matthew Wheatland
12. Noah Szubski
13. Carly Steven
14. Martin Clarke
15. Paul Zwillenberg

Relevant Time Period: January 1, 2013 to present¹

Search Terms²

No.	Term
1	("business plan" OR strateg* OR forecast* OR roadmap OR "financial statement" OR (allocat* w/3 inventory)) w/10 ("Ad tech" OR "Display Advertising" OR DoubleClick OR "Double Click" OR "Double-Click" OR DFP OR "Ad Manager" OR GAM OR "Ad Exchange" OR AdX OR "Ad X" OR "Ad Server" OR "Demand Side Platform" OR "Demand-Side Platform" OR DSP OR "Header Bidding" OR HB)
2	((cost w/2 benefit) OR CBA OR analys* OR switch* OR RFP OR contract) w/10 (pric* OR quality OR feature* OR effective*) w/10 ("Ad tech" OR "Display Advertising" OR DoubleClick OR "Double Click" OR "Double-Click" OR DFP OR "Ad Manager" OR GAM OR "Ad Exchange" OR AdX OR "Ad X" OR "Google Ads" OR "Ad Server" OR "Demand Side Platform" OR "Demand-Side Platform" OR DSP OR "Supply Side Platform" OR "Supply-Side Platform" OR SSP OR "Header Bidding" OR HB)
3	("display advertising") w/10 (factor OR cost OR effective* OR yield) w/10 (format OR channel)
4	(analysis OR analyz*) w/10 (("direct transaction" OR "indirect transaction") AND ("Ad Exchange" OR "Ad Network" OR "Publisher-Automated Transaction"))
5	("Accelerated Mobile Pages" OR AMP OR (mobile w/2 (format OR design))) w/10 (comply OR compliance OR conversion* OR profit* OR latency OR spam OR malware OR "header bidding" OR HB)

¹ Except as to Carly Steven, whose files Daily Mail has agreed to search from 2023 to present.

² Google reserves all rights to all previously proposed search terms, as well as the right to request additional terms based on further discovery.

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6	(content w/10 (relationship OR relat! OR cause OR drive)) AND ("advertising revenue" OR (fees w/3 "ad tech") OR (fees w/3 Google))
7	"Private Marketplace"
8	Direct w/10 Transaction
9	Programmatic w/10 Transaction
10	Remnant
11	Direct w/10 (transaction* OR sale)
12	"Dynamic Allocat**"
13	Bernanke
14	"Dynamic Revenue Share"
15	(Line w/10 cap)
16	"auction data"
17	Poirot
19	"Project Elmo"
19	"Open Bid"
20	"Bid Data Transfer"
21	BDT
22	"Minimum Bid**"
23	("Google Display Network" OR GDN) AND (Adsense OR DFP OR DoubleClick)
24	"News Media Alliance" OR NMA
25	(advertising w/5 revenue*) AND (Ukraine OR Covid* OR corona* OR declin* OR reduc* OR profit* OR loss*)
26	breach* w/10 privac*
27	(user w/3 privacy) AND ("display advertising")
28	(document* OR record* OR messag* OR chat* OR file*) w/5 (retain* OR retention* OR preserv* OR maintain*)
29	((("display advertising" OR "print advertising") w/5 (format* OR channel* OR publish* OR "ad tech" OR "adtech" OR revenue* OR cost* OR effect* OR target* OR yield* OR desktop* OR mobile* OR "app display" OR television*)) w/10 (study* OR analy* OR report* OR presentation* OR deck* OR record* OR compar*))
30	"News Carousel" w/5 (mobile* OR search* OR result* OR scroll* OR displace*)
31	(study OR analysis OR report OR presentation) w/5 ("display advertising" OR "programmatic direct" OR remnant OR backfill OR "demand driver" OR audience OR (visitor w/5 characteristic) OR readership OR "advertising consultant" OR "advertising agenc**" OR (auction w/3 (rule OR form OR mechanism)))
32	(develop* OR launch* OR licens* OR feature* OR pricing OR interopera* OR SWOT OR (strength* w/2 weakness*)) w/10 ("Ad Tech" OR "ad server" OR "ad exchange" OR Meta OR Twitter OR LinkedIn OR Amazon) w/10 compet*
33	((strateg* OR attract* OR win* OR increas* OR gain*) w/5 (advertiser* OR user* OR subscriber*)) AND (Meta OR Twitter OR LinkedIn OR Amazon)
34	(Traffic OR Impression* OR visit* OR clicks OR visib* OR algorithm*) w/5 (manipulate* OR gaming OR game OR exploit* OR control* OR steer*)
35	(study* OR studies OR "A/B test" OR "A/B tests" OR evaluat* OR "cost benefit" OR "cost-benefit" OR analy* OR report* OR deck*) w/10 ("Header Bidding" OR HB OR "client-side"

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	OR "client side" OR "server-side" OR "server side") w/10 (integrat* OR number OR limit* OR cap* OR latency OR problem* OR privacy OR fraud* or malware* OR complaint* OR issue*)
36	"Dynamic Allocation" OR EDA OR ((Poirot OR Elmo OR Bernanke) w/10 (Google OR Project)) OR "Dynamic Revenue" OR "Viewable CPM" OR VCPM OR (Auction w/10 Redact*) OR ("Line Item" w/10 (cap* OR limitation*)) OR "Unified Pricing Rules" OR UPR OR "Open Bidding" OR "Bid Data Transfer File" OR "Minimum Bid To Win"
37	("User ID" OR "user identifier" OR "user identifiers" OR "user identification" OR "third-party cookie" OR "third-party cookies") w/10 ("Ad tech" OR "Display Advertising" OR DoubleClick OR "Double Click" OR "Double-Click" OR DFP OR "Ad Exchange" OR AdX OR "Ad X" OR "Ad Server" OR "Demand Side Platform" OR "Demand-Side Platform" OR DSP OR revenue OR monetiz* OR strateg*)
38	((report OR data OR analytics OR metrics) w/10 ("display advertising")) AND (Google OR "Ad Tech" OR provider)
39	(unified w/3 pric*) AND (Google OR GAM OR publisher* OR ad*)
40	(AdX OR "Ad X" OR "google ad exchange") w/10 ("Google Ad Connector" OR "direct tag" OR "Google publisher tag" OR "Google publisher tags") w/10 (doubleclick OR "double-click" OR "double click" OR DFP OR "Ad Manager" OR GAM)